

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
CAPITAL ONE, NATIONAL ASSOCIATION,

Plaintiff,

-against-

Civil Action No.: 12-cv-5025  
(JMF)

201 W 134 ST LLC, GERALD MIGDOL a/k/a JERRY  
MIGDOL, and "JOHN AND/OR JANE DOE #1" to  
"JOHN AND/OR JANE DOE # 5" inclusive, the last five  
named persons being unknown to plaintiff, the persons and  
parties intended being the tenants, occupants, persons,  
entities, or corporations, if any, having or claiming upon  
the premises at 201 West 134<sup>th</sup> Street a/k/a 2280 Adam  
Clayton Powell Jr. Boulevard, New York New York, a  
four-story, single-dwelling building, as more fully  
described in the complaint,

ECF Case

Defendants.

-----  
**CERTIFICATE OF SERVICE**

NICHOLAS CAMPBELL, being duly sworn, deposes and says:

1. I am over the age of eighteen years, I am employed by Schiff Hardin LLP, located at 666 Fifth Avenue, New York, NY, 10103 and I am not a party to the above entitled action.

2. On the 28<sup>th</sup> day of September, 2012, I caused a true and correct copy of the following to be served *via* ECF electronic mail to the persons on the attached service list:


- Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss
- Declaration of Thomas P. Battistoni in Opposition to Defendants Motion to Dismiss



NICHOLAS CAMPBELL

Sworn to before me this

28<sup>th</sup> day of September, 2012



Notary Public

Andrew McLaughlin  
Notary Public, State of New York  
No. 01MC8150540  
Qualified in Nassau County  
Commission Expires July 31, 2014

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:12-cv-05025-JMF**

**SERVICE LIST**

<b>Capital One, National Association</b>  <i>Plaintiff</i>	<b>Patricia A. Pileggi</b> Schiff Hardin LLP 666 Fifth Ave., 17th Floor New York, NY 10103 (212) 745-0839 Fax: (212) 745-5044 Email: ppileggi@schiffhardin.com  <b>Thomas Patrick Battistoni</b> Schiff Hardin LLP 666 Fifth Ave., 17th Floor New York, NY 10103 (212) 745-0877 Fax: (212) 753-5044 Email: tbattistoni@schiffhardin.com  <i>Counsel to Plaintiff</i>
<b>201 W 134 St LLC</b>  <i>Defendant</i>	<b>Aaron Migdol</b> The Law Office of Aaron Migdol 223 West 138th Street New York, NY 10030 (212) 283-4423 Fax: (212) 283-4424 Email: aaronmigdol@migdolnyc.com  <i>Counsel to Defendant</i>

<b>Gerald Migdol</b> <i>also known as</i> Jerry Migdol  <b><i>Defendant</i></b>	<b>Aaron Migdol</b> The Law Office of Aaron Migdol 223 West 138th Street New York, NY 10030 (212) 283-4423 Fax: (212) 283-4424 Email: aaronmigdol@migdolnyc.com  <b><i>Counsel to Defendant</i></b>
<b>New York State Department of Taxation and Finance</b>  <b><i>Defendant</i></b>	<b>To all parties entitled to receive notice electronically via the Court's electronic docket.</b>
<b>John and/or Jane Doe #1 to John and/or Jane Doe #5</b>  <b><i>Defendant</i></b>	<b>To all parties entitled to receive notice electronically via the Court's electronic docket.</b>